



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,110	03/07/2002	Joachim Schlafke	101215-66	5777

27387 7590 09/09/2005

NORRIS, MCLAUGHLIN & MARCUS, P.A.
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022

EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,110

Applicant(s)

SCHLAFKE, JOACHIM

Examiner

Peling A. Shaw

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. This application is a 371 of PCT/EP00/10136 filed on 10/13/2000 with a priority # GERMANY 199 51 209.4 on 10/15/1999. The filing date is 03/07/2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley et al.

(XP002195450), hereinafter referred as Cooley in view of Arellano et al. (US 6694482 B1),

hereinafter referred as Arellano, Aggarwal et al. (US 6714975 B1), hereinafter referred as

Aggarwal, Calire (US 6839891 B1), hereinafter referred as Calire and Myerson (US 5892917

A), hereinafter referred as Myerson.

- a. Cooley shows (claim 1) a method for analyzing user behavior (abstract; page 2, section 1, 1st paragraph) in computer networks for optimizing the web presence, wherein the source language of the domain is optimized after the method is implemented (page 1, section 1, paragraph 1); user activities are recorded and logged by at least one server computer (abstract); the activities recorded are debugged to remove interpretation errors (pages 3-6, section 3); after the debugging, the data is analyzed and compared with data from an empirical database (pages 7-9, section 6); .

Cooley does not show (claim 1) results of the comparison for optimizing are used in that, by feedback, the server computer affected actively and, these means, a closed-loop control circuit is realized.

- b. Arellano shows (claim 1) results of the comparison for optimizing are used in that, by feedback, the server computer affected actively and, these means, a closed-loop control circuit is realized (abstract; column 2, line 6-14; column 8, line 66-column 9, line 23); (claim 12) wherein the automatic adaptation of HTML documents to the equipment-imposed prerequisites of the user (Fig. 15; column 17, line 31-49) and/or the automatic adaptation the contents web site user behavior and/or the requirements the user (Fig. 15; column 17, line 31-49) are a component of the optimization; (claim 13) wherein optimization is accomplished by a comparison with the typical target group behavior (column 12, line 39-49) in an analogous art for the purpose of system and methods for an architectural framework for design of an adaptive, personalized, interactive content delivery system.
- c. Neither Cooley nor Arellano shows (claim 5) wherein the logged user activities are saved over a period of several months; (claim 12) wherein the automatic debugging of programming errors the in the HTML documents is a component of the optimization; (claim 13) wherein optimization is accomplished by methods of customer-related quality management.
- d. Aggarwal shows (claim 5) monthly requirement of 100,000 exposures to site (column 8, line 50-column 9, line 15) in an analogous art for the purpose of method for

targeted advertising on the web based on accumulated self-learning data, clustering users and semantic node graph techniques.

- e. Calire shows (claim 12) wherein the automatic debugging of programming errors the in the HTML documents is a component of the optimization (column 3, line 9-16); (claim 13) wherein optimization is accomplished by methods of customer-related quality management (column 3, line 9-16) in an analogous art for the purpose of method and apparatus for a web-related state machine.
- f. None of Cooley, Arellano, Aggarwal and Calire shows (claim 14) wherein results of the analysis are presented according to the specification of individual parameters.
- g. Myerson shows (claim 14) wherein results of the analysis are presented according to the specification of individual parameters (column 9, line 63-column 10, line 7) in an analogous art for the purpose of system for log record and log expansion with inserted log records representing object request for specified object corresponding to cached object copies.
- h. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Cooley's functions of grouping web page references into transactions for mining world wide web browsing patterns with Arellano, Aggarwal and Calire's functions of feedback the user activity data to draw an inference to adapt the web page to user activity, and Myerson's function of reporting user activity.
- i. The modification would have been obvious because one of ordinary skill in the art would have been motivated to adapt web pages according to user activity data as all

of Cooley, Myerson and Arellano suggest with more specific methods suggested by Calire and Aggarwal.

- j. Regarding claim 2, Cooley shows wherein the user activities are logged in a log file and/or stored second database (abstract).
- k. Regarding claim 3, Arellano shows wherein parameters of the controlling (column 17, line 25-column 18, line 21) and/or data concerning the structure of the HTML documents (column 13, line 47-column 14; column 19, line 59-column 20, line 17; column 36, line 23-56) and/or the actual state analysis (column 11, line 13-55) and/or the historical data (column 4, line 64-column 5, line 6) and/or the trend analysis (column 4, line 64-column 5, line 6) are stored in the log file and/or the second database.
- l. Regarding claim 4, Arellano shows wherein the method makes universal interface available (column 8, line 66-column 9, line 12; column 12, line 39-49).
- m. Regarding claim 6, Cooley shows wherein the empirical database contains information (pages 6-9, sections 4-6) concerning HTML documents which, provided with attributes, are listed in symbol tables, and/or concerning controlling parameters.
- n. Regarding claim 7, Cooley shows wherein the attributes, assigned to the HTML documents, characterize the HTML documents as (page 4, section 4; pages 7-9, section 6) technical documents, documents for navigation, content-containing documents or advertising-containing documents.
- o. Regarding claim 8, Cooley shows wherein the interpretation errors, which caused constructing the web site and/or by using (pages 3-6, sections 2-3) proxy cache

reserves and/or local cache memories and/or routers and/or firewalls and/or dynamically issued IP addresses are corrected.

- p. Regarding claim 9, Cooley shows wherein each inquiry at a dynamically generated page, including the generated contents, is logged (page 6, section 4).
- q. Regarding claim 10, Cooley shows wherein each inquiry at web site leads an entry in the log file, in that a server is always informed of an inquiry by means of a CGI image (page 6, section 4).
- r. Regarding claim 11, Cooley shows wherein interpretation errors are corrected the help of symbol tables (pages 3-6, sections 2-4).
- s. Claim 15 is of the same scope as claims 1, 3, 7 and 12. It is rejected for the same reasons as for claims 1, 3, 7 and 12.

Together Cooley, Arellano, Aggarwal, Calire and Myerson disclosed all limitations of claims 1-15. Claims 1-15 are rejected under 35 U.S.C. 103(a).

Remarks

3. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.
- a. Wu et al. (US 5931912 A) Traversal path-based approach to understanding user-oriented hypertext object usage
 - b. Wexler (US 5960409 A) Third-party on-line accounting system and method therefor
 - c. Felciano et al. (US 6052730 A) Method for monitoring and/or modifying web browsing sessions
 - d. Cuomo et al. (US 6185614 B1) Method and system for collecting user profile information over the world-wide web in the presence of dynamic content using document comparators
 - e. Cuomo et al. (US 6286043 B1) User profile management in the presence of dynamic pages using content templates
 - f. Lambert et al. (US 6629138 B1) Method and apparatus for storing and delivering documents on the internet

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pas


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100